

Court of Appeals, Division One

Criminal

1 CA-CR 24-0033

STATE v. LERCH

Appellate Case Information

Case Filed: 19-Jan-2024

Case Closed:

Dept/Composition

Consolidated with: 1 CA-CR 24-0074

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Alice Jones, Esq. (AZ Bar No. 28062)

Side 2. RONALD W LERCH, Appellant

(Litigant Group) RONALD W LERCH

- Ronald W Lerch

Attorneys for: Appellant

Jennifer Booth, Esq. (AZ Bar No. 24123)

CASE STATUS

Apr 11, 2024....Record Complete-Notice Completion Sent

Feb 15, 2024....Reinstated Case

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2019-145654-001, Solicitation to Commit Dangerous Drug-Poss/Use, Class 6, 1 year, ADOC, Sam J Myers, Authoring Judge of Order, PROBVIOL

OPEN DUE DATE

Opening Brief Due

Due By: Thursday, October 31, 2024

Re: FILED: Notice of Completion of Record

[2 extensions]

CASE DECISION

22-Jan-2024 ORDER

Vacated

ORDERED: Dismissing this appeal.

Filed: 22-Jan-2024

Mandate:

Decision Disposition

Dismissed

Benjamin Armstrong.....Author

77 PROCEEDING ENTRIES

- 1. 19-Jan-2024 FILED: Notice of Appeal from Maricopa County Superior Court filed 01/16/24. Notification to Court Reporters dated 01/18/2024.
2. 22-Jan-2024 ORDERED: Dismissing this appeal. Benjamin A Armstrong ProTem Judge - Author [vacated per order filed 02/15/2024]
3. 5-Feb-2024 FILED: Motion to Reinstate and to Consolidate Appeals Before the Honorable Benjamin A. Armstrong (Appellant Pro Per)
4. 15-Feb-2024 ORDERED: Motion to Reinstate and to Consolidate Appeals Before the Honorable Benjamin A. Armstrong (Appellant Pro Per) = GRANTED and reinstating this appeal. FURTHER ORDERED: Additional orders regarding the motion to consolidate will be forthcoming. Benjamin A Armstrong ProTem Judge - Author
5. 15-Feb-2024 FILED: Appellate Clerk Notice (31.2(g))
6. 20-Feb-2024 ORDERED: Motion to Consolidate Appeals Before the Honorable Benjamin A. Armstrong (Appellant Pro Per) = GRANTED and consolidating cases 1 CA-CR 24-0033 and 1 CA-CR 24-0074. Case no. 1 CA-CR 24-0033 is designated the primary number and all future documents filed in this appeal must use the caption shown on this order. Benjamin A Armstrong ProTem Judge - Author
7. 21-Feb-2024 FILED: Request to Participate in Pro Bono Program (Appellant Pro Per)
8. 22-Feb-2024 FILED: Affidavit of No Financial Arrangements (Nicole Tatlow)

Court of Appeals, Division One**Criminal****1 CA-CR 24-0033****STATE v. LERCH****77 PROCEEDING ENTRIES**

9. 26-Feb-2024 ORDERED: The transcripts in this matter be prepared at public expense. Benjamin A Armstrong ProTem Judge - Author
10. 28-Feb-2024 FILED: Reporter's Transcript - 12/19/2023 - Sentencing (Nicole Tatlow)
11. 29-Feb-2024 FILED: Additional Record on Appeal: CR2022-127276-001
Physical Exhibits:
Hearing Date: 05/23/2023 List # 1 5 11 12 13 14 in manila envelope
12. 29-Feb-2024 FILED: e-Record on Appeal: CR2022-127276-001
Instruments/Minute Entries: Combined
Disposition Report: 97
Exhibits: None sent with e-Record
13. 5-Mar-2024 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant in this consolidated appeal. Benjamin A Armstrong ProTem Judge - Author
14. 6-Mar-2024 ORDERED: That no later than April 5, 2024, Ken Crenshaw shall file in this Court the transcripts of the following proceedings: 05/30/2023 for case number CR2019-145654-001. FURTHER ORDERED: That no later than April 5, 2024, Ken Crenshaw shall file in this Court the transcripts of the following proceedings: 05/23/2023; 05/24/2023; 05/25/2023; 05/30/2023 for case number CR2022-127276-001. FURTHER ORDERED: That, if the transcripts are not filed by the above-specified date, Ken Crenshaw shall appear in Courtroom 2 of this Court on Wednesday, 04/17/2024, at 2:30 p.m. to show cause, if any exists, why (s)he should not be held in civil contempt and fined and/or sanctioned until the said transcript(s) are filed. Hon Randall M Howe - Author
15. 15-Mar-2024 ORDERED: Directing the Clerk of the Maricopa County Superior Court to transmit to this court the record on appeal in Maricopa County Superior Court No. CR2019-145654-001, marked for filing in this appeal, by 04/05/2024. FURTHER ORDERED: Directing the Clerk of the Maricopa County Superior Court to supplement the record on appeal in Maricopa County Superior Court No. CR 2022-127276-001 with any documents filed after the superior court transmitted the record on appeal to this court on 02/29/2024, and to do so by 04/05/2024. Benjamin A Armstrong ProTem Judge - Author
16. 18-Mar-2024 FILED: Reporter's Transcript - 05/23/2024 - Jury Selection (Chrishanda Sassman-Reynolds)
17. 18-Mar-2024 FILED: Reporter's Transcript - 05/24/2024 - Jury Trial - Day 2 (Alexander Reaves)
18. 18-Mar-2024 FILED: Reporter's Transcript - 05/30/2024 - Jury Trial Day 4 (Jean Knowlton)
19. 18-Mar-2024 FILED: Reporter's Transcript - 05/25/2024 - Jury Trial Day 3 (Lauren Paxton)
20. 4-Apr-2024 FILED: e-Record on Appeal: CR2019-145654-001
Instruments/Minute Entries: Combined
Disposition Report: 66 77 135
Exhibits: None sent with e-Record
21. 5-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
22. 11-Apr-2024 FILED: Notice of Completion of Record
23. 15-Apr-2024 FILED: Notice of Appearance; Certificate of Service (Appellant)
24. 13-May-2024 FILED: Request for Procedural Order: Motion to Supplement the Record on Appeal and Motion to Vacate the Opening Brief's Deadline; Certificate of Service (Appellant)
25. 15-May-2024 FILED: Notice of Appearance; Certificate of Service (Appellant)
26. 17-May-2024 ORDERED: Request for Procedural Order: Motion To Supplement The Record On Appeal and Motion to Vacate the Opening Brief's Deadline(Appellant) = GRANTED and supplementing the record with transcripts for the following proceedings from Maricopa County Superior Court No. CR2019-145654-001: 11/21/2019, 12/02/2019, 01/14/2020, 08/04/2020, 10/14/2020, 11/16/2020, 01/20/2021, 02/24/2021, 04/06/2021, 05/26/2021, 05/26/2021, 07/14/2021, 03/21/2022, 08/08/2022, 08/30/2022, 09/09/2022, 11/04/2022, 11/29/2022, 03/28/2023, 03/31/2023, 04/17/2023, 05/01/2023, 05/22/2023, 05/30/2023, 09/12/2023, 09/26/2023, 10/02/2023, 11/02/2023, 12/05/2023, 12/19/2023. FURTHER ORDERED: Supplementing the record with transcripts for the following proceedings from Maricopa County Superior Court No. CR2022-127276-001: 11/04/2022, 11/29/2022, 03/28/2023, 03/31/2023, 04/17/2023, 05/01/2023, 05/08/2023, 05/22/2023, 05/24/2023, 05/23/2023, 05/25/2023, 05/30/2023, 09/12/2023, 09/26/2023, 10/02/2023, 11/02/2023, 12/05/2023. FURTHER ORDERED: Directing court reporters Scott Coniam, Diane Donoho, Michele Kaley and Nicole Tatlow to prepare, and Ken Crenshaw to arrange for the preparation of, an original and two copies of the respective transcripts and furnish one copy to appellant's counsel, one copy to appellee's counsel, and the original to the clerk of this court by 05/17/2024, marked for filing in this appeal. FURTHER ORDERED: The opening brief is due by 06/17/2024. Benjamin A Armstrong ProTem Judge - Author

[See order filed 05/20/2024]

Court of Appeals, Division One**Criminal****1 CA-CR 24-0033****STATE v. LERCH****77 PROCEEDING ENTRIES**

27. 20-May-2024 ORDERED: Vacating the due date of 05/17/2024, for the transcripts and resetting same to 06/20/2024.FURTHER ORDERED: Vacating the due date of 06/17/2024, for the opening brief and resetting same to 07/22/2024. Geoffrey P Butzine ProTem Judge - Author
28. 19-Jun-2024 FILED: Reporter's Transcript - 10/14/2020 - Trial Continuance - (Diane Donoho)
29. 20-Jun-2024 FILED: Reporter's Transcript - 11/21/2019 - Evidentiary Hearing - (Kimberly McCright)
30. 20-Jun-2024 FILED: Reporter's Transcript - 12/02/2019 - Initial Pretrial Conference - (Kimberly McCright)
31. 20-Jun-2024 FILED: Reporter's Transcript - 03/21/2022 - Probation Revocation Arraignment Hearing - (Kimberly McCright)
32. 20-Jun-2024 FILED: Reporter's Transcript - 08/30/2022 - Revocation Arraignment - Denial - (Kimberly McCright)
33. 20-Jun-2024 FILED: Notice to the Court (Scott Coniam)
34. 20-Jun-2024 FILED: Reporter's Transcript - 01/14/2020 - Comprehensive Pretrial Conference - (Scott Coniam)
35. 20-Jun-2024 FILED: Reporter's Transcript - 08/04/2020 - Final Pretrial Conference - (Scott Coniam)
36. 20-Jun-2024 FILED: Reporter's Transcript - 11/16/2020 - Final Trial Management Conference - (Scott Coniam)
37. 20-Jun-2024 FILED: Reporter's Transcript - 01/20/2021 - Final Trial Management Conference - (Scott Coniam)
38. 20-Jun-2024 FILED: Reporter's Transcript - 02/24/2021 - Comprehensive Pretrial Conference - (Scott Coniam)
39. 20-Jun-2024 FILED: Reporter's Transcript - 04/06/2021 - Comprehensive Pretrial Conference - (Scott Coniam)
40. 20-Jun-2024 FILED: Reporter's Transcript - 05/26/2021 - Settlement Conference/Change of Plea - (Scott Coniam)
41. 20-Jun-2024 FILED: Reporter's Transcript - 11/04/2022 - Bench Warrant - (Kimberly McCright)
42. 20-Jun-2024 FILED: Reporter's Transcript - 11/29/2022 - Continuance - (Kimberly McCright)
43. 20-Jun-2024 FILED: Reporter's Transcript - 03/28/2023 - Continuance - (Kimberly McCright)
44. 20-Jun-2024 FILED: Reporter's Transcript - 03/31/2023 - Continuance - (Kimberly McCright)
45. 20-Jun-2024 FILED: Reporter's Transcript - 04/17/2023 - Continuance - (Kimberly McCright)
46. 20-Jun-2024 FILED: Reporter's Transcript - 05/01/2023 - Continuance - (Kimberly McCright)
47. 20-Jun-2024 FILED: Reporter's Transcript - 05/22/2023 - Continuance - (Kimberly McCright)
48. 20-Jun-2024 FILED: Reporter's Transcript - 09/12/2023 - Non-Witness Violation Hearing - (Kimberly McCright)
49. 20-Jun-2024 FILED: Reporter's Transcript - 09/26/2023 - Continuance - (Kimberly McCright)
50. 20-Jun-2024 FILED: Reporter's Transcript - 10/02/2023 - Continuance - (Kimberly McCright)
51. 20-Jun-2024 FILED: Reporter's Transcript - 12/05/2023 - Continuance - (Kimberly McCright)
52. 20-Jun-2024 FILED: Reporter's Transcript - 05/22/2023 - Trial Procedure Conference - (Kimberly McCright)
53. 20-Jun-2024 FILED: Reporter's Transcript - 11/04/2022 - Bench Warrant - (Kimberly McCright)
54. 20-Jun-2024 FILED: Reporter's Transcript - 11/29/2022 - Warrant Quashed/Hearing Reset - (Kimberly McCright)
55. 20-Jun-2024 FILED: Reporter's Transcript - 03/28/2023 - Bench Warrant Issued - (Kimberly McCright)
56. 20-Jun-2024 FILED: Reporter's Transcript - 03/31/2023 - Status Conference - (Kimberly McCright)
57. 20-Jun-2024 FILED: Reporter's Transcript - 09/12/2023 - Status Conference/Post Warrant - (Kimberly McCright)
58. 20-Jun-2024 FILED: Reporter's Transcript - 09/26/2023 - Continuance - (Kimberly McCright)
59. 20-Jun-2024 FILED: Reporter's Transcript - 10/02/2023 - Continuance - (Kimberly McCright)
60. 20-Jun-2024 FILED: Reporter's Transcript - 12/05/2023 - Continuance - (Kimberly McCright)
61. 20-Jun-2024 FILED: Reporter's Transcript - 04/17/2023 - Status Conference - (Kimberly McCright)

Court of Appeals, Division One**Criminal****1 CA-CR 24-0033****STATE v. LERCH****77 PROCEEDING ENTRIES**

62. 20-Jun-2024 FILED: Reporter's Transcript - 05/01/2023 - Final Trial Management Conference - (Kimberly McCright)
63. 20-Jun-2024 FILED: Reporter's Transcript - 05/08/2023 - Trial Assignment - (Kimberly McCright)
64. 2-Jul-2024 FILED: Reporter's Transcripts - 07/14/2021 - Sentencing - (Michele Kaley)
65. 9-Jul-2024 FILED: Reporter's Transcript - 11/02/2023 - Continuance - (Diane Donoho)
66. 16-Jul-2024 FILED: Notice of Untimeliness of Filing Reporters' Transcripts and Motion to Vacate and Reset the Current July 22, 2024 Appellant's Opening Brief Deadline; Certificate of Service (Appellant)
67. 17-Jul-2024 ORDERED: Notice of Untimeliness of Filing Reporters' Transcripts and Motion to Vacate and Reset the Current July 22, 2024 Appellant's Opening Brief Deadline (Appellant) = GRANTED. Due date EXTENDED from 06/20/2024 to 08/16/2024 for transcripts dated 08/08/2022 and 09/09/2022 or OSC set on 08/21/2024. FURTHER ORDERED: The opening brief is due by 09/16/2024. Benjamin A Armstrong ProTem Judge - Author
68. 23-Jul-2024 ORDERED: Striking the pro se opening brief filed 07/19/2024. Benjamin A Armstrong ProTem Judge - Author
69. 23-Jul-2024 FILED: Motion Requesting Public Defenders Office to be Removed From my Case; Certificate of service (Appellant Pro Per)
70. 29-Jul-2024 ORDERED: Motion Requesting Public Defenders Office to be Removed From my Case (Appellant Pro Per) = DENIED. Benjamin A Armstrong ProTem Judge - Author
71. 21-Aug-2024 FILED: Affidavit Regarding Ordered Transcripts (Ken Crenshaw)
72. 21-Aug-2024 ORDERED: Vacating that portion of the court's order dated 05/17/2024 and 07/17/2024, directing Court Reporter Coordinator Ken Crenshaw to file the transcript(s) dated 08/08/2022, and 09/09/2022. FURTHER ORDERED: vacating the order to show cause hearing that is currently set for 08/21/2024, for Court Reporter Coordinator Ken Crenshaw. Hon Randall M Howe - Author
73. 4-Sep-2024 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
74. 4-Sep-2024 FILED: Courtesy Copy of Letter and Receipt (Appellant)
75. 4-Sep-2024 FILED: Notice of Appearance; Certificate of Service (Appellant)
76. 4-Sep-2024 FILED: Motion for Extension of Time to File Brief (Opening Brief); Certificate of Service (Appellant)
77. 5-Sep-2024 ORDERED: substituting attorney Jennifer Booth as counsel for appellant. FURTHER ORDERED: opening brief is due by 10/31/24. Benjamin A Armstrong ProTem Judge - Author